

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kevin D. Fisher,

Plaintiff,

vs.

Christopher Radko

and

Rauch Industries, Inc.,

Defendants.

**REQUEST FOR PRODUCTION
OF DOCUMENTS**

Case No: 07-cv-9239 (SCR)

SIRS AND MESDAMES:

PLEASE TAKE NOTICE THAT Plaintiff, KEVIN D. FISHER, by and through his attorneys, DELAIN & LIEBERT, PLLC, requests that, pursuant to Rule 34 of the Federal Rules of Civil Procedure, you produce for inspection and copying all documents in your possession, custody and control included in the categories listed below. In addition to producing the documents categorized below, you must serve a written response to this Request upon the undersigned within thirty (30) days of service of this Request stating whether and to what extent you will comply with each Request.

SEE SCHEDULE A ATTACHED

These responses and documents must be produced on or before April 14, 2008 at 10:00 a.m. in the offices of Delain & Liebert, PLLC (Nancy Baum Delain of record), whose address is 470 Clifton Corporate Parkway, Clifton Park, New York 12065.

Dated: 13 March 2008

Yours, etc.
Delain & Liebert, PLLC



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SCHEDULE A

DEFINITIONS:

1. "Fisher" shall mean Kevin D. Fisher, a natural person and the plaintiff in this action, and his authorized agents or representatives.
2. "Rauch" shall mean Rauch Industries, Inc., a North Carolina Corporation and its officers, shareholders, directors, employees and other authorized agents, a defendant in this action.
3. "Radko" shall mean Christopher Radko, a natural person and a defendant in this action, and his authorized agents or representatives
4. "Flight" shall mean the original artwork done by Fisher entitled "The Flight of Saint Nicholas."
5. "Emerald" shall mean the original artwork done by Fisher entitled "Emerald Frost."
6. "Flight Ornament" shall mean the blown-glass ornament that Plaintiff contends is taken from "Flight of Saint Nicholas" and developed, marketed and sold by Defendants.
7. "Emerald Ornament" shall mean the blown-glass ornament that Plaintiff contends is taken from "Emerald Frost" and developed, marketed and sold by Defendants.

REQUESTS FOR PRODUCTION Under Fed. R. Civ. P. 34

REQUEST FOR PRODUCTION NO. 1. Produce all documentation supporting your response to Interrogatory No. 1.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2. Produce all documentation supporting your response to Interrogatory No. 2.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3. Produce all documentation supporting your response to Interrogatory No. 3.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4. Produce all documentation supporting your response to Interrogatory No. 4.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5. Produce all documents provided by Rauch to, or otherwise obtained or relied on by, each expert whom you anticipate calling at the trial of this action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6. Produce all documents provided by Radko to, or otherwise obtained or relied on by, each expert whom you anticipate calling at the trial of this action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7. Produce all documents provided to Rauch by each expert whom you anticipate calling at the trial of this action, including all reports and curricula vitae.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8. Produce all documents provided to Radko by each expert whom you anticipate calling at the trial of this action, including all reports and curricula vitae.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9. Produce all documents relating to the costs incurred by Rauch for design and tooling of the Flight Ornament, including but not limited to labor, materials, design,

marketing, invoices, secured loans, unsecured loans, notes, and cancelled checks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10. Produce all documents relating to the costs incurred by Radko for design and tooling of the Flight Ornament, including but not limited to labor, materials, design, marketing, invoices, secured loans, unsecured loans, notes, and cancelled checks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11. Produce all documents relating to the costs incurred by Rauch for design and tooling of the Emerald Ornament, including but not limited to labor, materials, design, marketing, invoices, secured loans, unsecured loans, notes, and cancelled checks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12. Produce all documents relating to the costs incurred by Radko for design and tooling of the Emerald Ornament, including but not limited to labor, materials, design, marketing, invoices, secured loans, unsecured loans, notes, and cancelled checks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13. Produce a copy of all design contracts, specifications, drawings, preliminary drawings, design plans, schematics, blueprints, technical drawings, manufacturing documents, and any other documents relating to the design or construction of the Flight Ornament, including all drafts and any modifications of such documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14. Produce a copy of any and all design contracts, specifications, drawings, preliminary drawings, design plans, schematics, blueprints, technical drawings, manufacturing documents, and any other documents relating to the design or construction of the Emerald Ornament, including all drafts and any modifications of such documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15. Produce all documents Rauch provided to, or received from, Fisher at any time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16. Produce all documents Radko provided to, or received from, Fisher at any time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17. Produce Radko's schedule of artists' events attended during the years from 1995-2007, inclusive.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18. Produce a copy of all documents related to the Flight Ornament that Rauch provided to, or received from,

Radko at any time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19. Produce a copy of all documents related to the Emerald Ornament that Rauch provided to, or received from, Radko at any time.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20. Produce any and all documents which support any claim by Rauch that the design of the Flight Ornament was independently created.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21. Produce any and all documents which support any claim by Radko that the design of the Flight Ornament was independently created.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22. Produce any and all documents which support any claim by Rauch that the design of the Emerald Ornament was independently created.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23. Produce any and all documents which support any claim by Radko that the design of the Flight Ornament was independently created.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24. Produce any and all documents relating to the purchase or other acquisition of any rights by Rauch to produce the Flight Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25. Produce any and all documents relating to the purchase or other acquisition of any rights by Radko to produce the Flight Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26. Produce any and all documents relating to the purchase or other acquisition of any rights by Rauch to produce the Emerald Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27. Produce any and all documents relating to the purchase or other acquisition of any rights by Radko to produce the Emerald Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28. Produce all sales data, including but not limited to number of units sold, channels through which units were sold, addresses in the United States to which units were shipped,

prices of individual units sold, cost of sale per unit, and other data for the Flight Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29. Produce all sales data, including but not limited to number of units sold, channels through which units were sold, addresses in the United States to which units were shipped, prices of individual units sold, cost of sale per unit, and other data for the Emerald Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30. Produce a copy of all documents relating to any profits or losses Rauch incurred for the design or sale of the Flight Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31. Produce a copy of all documents relating to any profits or losses Radko incurred for the design or sale of

the Flight Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32. Produce a copy of all documents relating to any profits or losses Rauch incurred for the design or sale of the Emerald Ornament.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33. Produce a copy of all documents relating to any profits or losses Radko incurred for the design or sale of the Emerald Ornament.

RESPONSE: